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PATENT APPLICATION

ATTORNEY DOCKET NO. 200301994-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jeffrey K. JEANSONNE et al.

Confirmation No.: 5605

Application No.: 09/912,784

Examiner: J. Chang

Filing Date: 07/25/2001

Group Art Unit: 2152

Title: WIRELESS ACCESS POINT SEEK MODE FOR WIRELESS ACCESS CLIENTS

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 07/24/2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
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☐ 3rd Month
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☐ 4th Month
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☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Jeffrey K. Jeanson et al.	§	Confirmation No.:	5605
Serial No.:	09/912,784	§	Group Art Unit:	2152
Filed:	07/25/2001	§	Examiner:	J. Chang
For:	Wireless Access Point	§	Docket No.:	200301994-1
	Seek Mode For Wireless	§		
	Access Clients	§		

APPEAL BRIEF

Mail Stop Appeal Brief – Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: September 25, 2006

Sir:

Appellants hereby submit this Appeal Brief in connection with the above-identified application. A Notice of Appeal was filed via facsimile on July 24, 2006.

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I. REAL PARTY IN INTEREST

The real party in interest is the Hewlett-Packard Development Company (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas. HPDC is a wholly owned affiliate of Hewlett-Packard Company (HPC). HPC merged with Compaq Computer Corporation (CCC) which owned Compaq Information Technologies Group, L.P. (CITG). The Assignment from the inventors to CCC was recorded on July 25, 2001, at Reel/Frame 012024/0912. The Assignment from CCC to CITG was recorded on January 15, 2002, at Reel/Frame 012478/0188. The Change of Name document was recorded on May 12, 2004, at Reel/Frame 014628/0103.

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II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

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III. STATUS OF THE CLAIMS

Originally filed claims: 1-44.
Claim cancellations: 1-16 and 35.
Added claims: 45-55.
Presently pending claims: 17-34 and 36-55.
Presently appealed claims: 17-34 and 36-55.

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IV. STATUS OF THE AMENDMENTS

No claims were amended after the final Office action dated July 14, 2006.

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V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The specification is directed to wireless access point seek mode for wireless access clients.¹ At least some of the illustrative embodiments are directed to computer systems such as claim 17 comprising a main system processor,² a system main memory coupled to the processor,³ a radio module that scans for available wireless access points which support two-way data communications,⁴ a power supply coupled to the radio module and the main system processor,⁵ an electrical switch mounted on an external surface of the computer system,⁶ and a seek logic coupled to the electrical switch and the power supply.⁷ The seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch,⁸ and the radio module scans for available wireless access points⁹ and indicates the availability of a wireless access point,¹⁰ both while the computer system is powered-off.¹¹

Other illustrative embodiments are computer systems as in claim 22 comprising a processor,¹² a main memory array coupled to the processor,¹³ a radio module that scans for available wireless access points,¹⁴ a power supply

¹ Specification Title.

² Specification Page 6, Paragraph [0020], lines 1-3. Hereinafter, citation to the Specification takes the form (p. [page], [paragraph], [line numbers]). This illustrative citation in the shorthand form is thus (p. 6, [0020], lines 1-3). See also, Figure 1, element 10.

³ (p. 6, [0020], lines 1-3), Figure 1, element 12.

⁴ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁵ (p. 8, [0024], lines 6-8), Figure 1, element 40.

⁶ (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁷ (p. 12, [0036], lines 1-2), Figure 1, element 60.

⁸ (p. 13, [0037], lines 4-9).

⁹ (p. 11, [0034], lines 3-6).

¹⁰ (p. 14, [0040], lines 1-4).

¹¹ (p. 11, [0034], lines 3-6).

¹² (p. 6, [0020], lines 1-3), Figure 1, element 10.

¹³ (p. 6, [0020], lines 1-3), Figure 1, element 12.

¹⁴ (p. 8, [0025], lines 1-6), Figure 1, element 42.

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coupled to the radio module and the processor,¹⁵ an electrical switch mounted on an external surface of the computer system,¹⁶ and a seek logic coupled to the electrical switch and the power supply.¹⁷ The seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch,¹⁸ the command only when the computer system is powered-off¹⁹ and the command for the same amount of time that the electrical switch is activated,²⁰ thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller.²¹ The radio module scans for available wireless access points, and indicates the availability of a wireless access point, both while the computer system is powered-off.²²

Yet still other illustrative embodiments are computer systems as in claim 25 comprising a processor,²³ a main memory array coupled to the processor,²⁴ a radio module that scans for available wireless access points,²⁵ a power supply coupled to the radio module and the processor,²⁶ an electrical switch mounted on an external surface of the computer system,²⁷ a seek logic coupled to the electrical switch and the power supply,²⁸ and a power supply enabled input signal (wherein the power supply enabled input signal is asserted

¹⁵ (p. 8, [0024], lines 6-8), Figure 1, element 40.

¹⁶ (p. 12, [0035], lines 2-5), Figure 3, element 58.

¹⁷ (p. 12, [0036], lines 1-2), Figure 1, element 60.

¹⁸ (p. 13, [0037], lines 4-9).

¹⁹ (p. 15, [0042], lines 5-9).

²⁰ (p. 15, [0041], lines 7-11).

²¹ *Id.*

²² (p. 11, [0034], lines 3-6); ([0040], lines 3-4).

²³ (p. 6, [0020], lines 1-3), Figure 1, element 10.

²⁴ (p. 6, [0020], lines 1-3), Figure 1, element 12.

²⁵ (p. 8, [0025], lines 1-6), Figure 1, element 42.

²⁶ (p. 6, [0024], lines 6-8), Figure 1, element 40.

²⁷ (p. 12, [0035], lines 2-5), Figure 3, element 58.

²⁸ (p. 12, [0036], lines 1-2), Figure 1, element 60.

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to indicate that the notebook computer is powered-on).²⁹ The seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch,³⁰ the command only when the computer system is powered-off,³¹ and the command for the same amount of time that the electrical switch is activated,³² thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller.³³ The seek logic is further configured to refrain from commanding the radio module to perform a scan for available wireless access points if the power supply enabled input signal is asserted.³⁴ The radio module scans for available wireless access points, and indicates the availability of a wireless access point, both while the computer system is powered-off.³⁵

Other illustrative embodiments are methods of finding wireless access points with a computing device as in claim 26 comprising requesting a wireless access seek with the computing device powered-off,³⁶ scanning for available wireless access points which support two-way data communication³⁷ (the scanning with a wireless communication module of the portable computing device while remaining portions of the computing device are powered-off),³⁸ and indicating the availability of wireless access points while the remaining portions of the computing device are powered-off.³⁹

²⁹ (p. 15, [0042], lines 9-12).

³⁰ (p. 13, [0037], lines 4-9).

³¹ (p. 15, [0042], lines 5-9).

³² (p. 15, [0041], lines 7-11).

³³ *Id.*

³⁴ (p. 15, [0042], lines 5-9).

³⁵ (p. 11, [0034], lines 3-6); ([0040], lines 1-4).

³⁶ (p. 15, [0041], lines 3-5).

³⁷ (p. 11, [0034], lines 3-6).

³⁸ (p. 11, [0034], lines 3-6).

³⁹ (p. 14, [0040], lines 1-4).

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Yet still other illustrative embodiments are a computer systems as in claim 32 comprising a main system processor,⁴⁰ a main memory array coupled to the processor,⁴¹ a seek request button mounted on an outer surface of the computer,⁴² a seek logic coupled to the seek request button,⁴³ a first power supply coupled to the seek logic⁴⁴ (and wherein the seek logic enables substantially only the first power supply responsive to assertion of the seek request button),⁴⁵ a wireless communication module coupled to the seek logic and the first power supply⁴⁶ (wherein the first power supply powers the wireless communication module,⁴⁷ and wherein the seek logic enables the wireless communication module to perform seeking for wireless access points for network data communications,⁴⁸ the seeking responsive to assertion of the seek request button),⁴⁹ and a notification device coupled to the wireless communication module⁵⁰ (wherein the notification device indicates the unavailability of a wireless access point).⁵¹

Other illustrative embodiments are computer systems as in claim 36 comprising a means for executing programs and instructions,⁵² ⁵³ a means for

⁴⁰ (p. 6, [0020], lines 1-3), Figure 1, element 10.

⁴¹ (p. 6, [0020], lines 1-3), Figure 1, element 12.

⁴² (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁴³ (p. 12, [0036], lines 1-2), Figure 1, element 60.

⁴⁴ (p. 8, [0024], lines 6-8), Figure 1, element 40.

⁴⁵ (p. 13, [0037], lines 7-9).

⁴⁶ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁴⁷ (p. 8, [0024], lines 6-8).

⁴⁸ (p. 8, [0025], lines 1-6).

⁴⁹ (p. 13, [0037], lines 4-9).

⁵⁰ (p. 14, [0040], lines 1-2), Figure 3, element 66.

⁵¹ (p. 14, [0040], lines 11-13).

⁵² This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁵³ (p. 6, [0020], lines 1-3), Figure 1, element 10.

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storing programs and data⁵⁴ coupled to the means for executing,⁵⁵ a means for activating a seek for a wireless access point⁵⁶ mounted on an outer surface of the computer,⁵⁷ a means for wireless network access which supports two-way data communications,⁵⁸ a first means for powering⁵⁹ the means for wireless network access and the means for executing,⁶⁰ and a means for controlling⁶¹ the means for wireless network access coupled to the means for wireless network access, the means for activating, and the means for powering.⁶² The first means for powering powers substantially only the means for wireless network access⁶³ (and wherein the means for controlling enables the means for wireless network access to perform a seek for wireless access points responsive to assertion means for activating),⁶⁴ and a means for notification of the unavailability⁶⁵ of a wireless access point coupled to the means for wireless communication.⁶⁶

Yet still other illustrative embodiments are structures of handheld devices⁶⁷ as in claim 40 comprising a seek request button mounted on an outer surface of

⁵⁴ This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁵⁵ (p. 6, [0020], lines 1-3), Figure 1, element 12.

⁵⁶ This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁵⁷ (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁵⁸ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁵⁹ This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁶⁰ (p. 8, [0024], lines 6-8), Figure 1, element 40.

⁶¹ This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁶² (p. 12, [0036], lines 1-2), Figure 1, element 60.

⁶³ (p. 13, [0037], lines 7-9).

⁶⁴ (p. 13, [0037], lines 4-9).

⁶⁵ This limitation is specifically identified as a means-plus-function limitation under 35 U.S.C. § 112, sixth paragraph.

⁶⁶ (p. 14, [0040], lines 1-4, 11-13), Figures 2 and 3, element 66.

⁶⁷ (p. 16, [0045], lines 5-6).

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the device,⁶⁸ a wireless communication module coupled to the seek request button⁶⁹ (and wherein the wireless communication module seeks for availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button),⁷⁰ a system battery coupled to the wireless communication module (and wherein the system battery supplies power to the wireless communication module during seeks for wireless access points),⁷¹ and a notification device coupled to the wireless communication module⁷² (wherein the notification device indicates the availability of a wireless access point).⁷³

Other illustrative embodiments are systems as in claim 45 comprising a mobile computing system in a powered-off state,⁷⁴ a wireless communication module which supports two-way data communication (the wireless communication module coupled to the mobile computing system),⁷⁵ and a seek enable button mounted on an exterior surface of one of the mobile computing system or the wireless communication module.⁷⁶ The wireless communication module, when commanded by a user actuating the seek enable button and while the mobile computing system is powered-off, scans for availability of wireless access to a network,⁷⁷ and the wireless communication module informs the user of availability of wireless access while the mobile computing system is powered-off.⁷⁸

Yet still other illustrative embodiments are methods as in claim 49 comprising accepting a command from a user of a powered-off mobile computing

⁶⁸ (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁶⁹ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁷⁰ (p. 13, [0037], lines 4-9).

⁷¹ (p. 16, [0045], lines 8-10).

⁷² (p. 14, [0040], lines 1-2), Figure 3, element 66.

⁷³ (p. 14, [0040], lines 11-13).

⁷⁴ (p. 11, [0034], lines 3-6).

⁷⁵ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁷⁶ (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁷⁷ (p. 8, [0025], lines 1-6).

⁷⁸ (p. 14, [0040], lines 1-4); ([0034], lines 3-6).

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device to perform a search for wireless network availability,⁷⁹ and thereafter performing a search for wireless network availability which supports two-way data communications⁸⁰ (the performing by a wireless communication module of the mobile computing device, and the performing while the mobile computing device is powered-off),⁸¹ and informing the user of an outcome of the performing (the informing while the mobile computing device is powered-off).⁸²

Finally, other illustrative embodiments are computer systems as in claim 54 comprising a radio module that scans for available wireless access points that support two-way data communications,⁸³ a power supply coupled to the radio module,⁸⁴ an electrical switch mounted on an external surface of the computer system,⁸⁵ and a seek logic coupled to the electrical switch and the power supply.⁸⁶ The seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch,⁸⁷ and the radio module scans for available wireless access points,⁸⁸ and indicates the availability of a wireless access point,⁸⁹ both before an operating system of the computer system is booted.⁹⁰

⁷⁹ (p. 15, [0041], lines 3-5).

⁸⁰ (p. 11, [0034], lines 3-6).

⁸¹ (p. 11, [0034], lines 3-6).

⁸² (p. 14, [0040], lines 1-4).

⁸³ (p. 8, [0025], lines 1-6), Figure 1, element 42.

⁸⁴ (p. 8, [0024], lines 6-8), Figure 1, element 40.

⁸⁵ (p. 12, [0035], lines 2-5), Figure 3, element 58.

⁸⁶ (p. 12, [0036], lines 1-2), Figure 1, element 60.

⁸⁷ (p. 13, [0037], lines 4-9).

⁸⁸ (p. 11, [0034], lines 3-6).

⁸⁹ (p. 14, [0040], lines 1-4).

⁹⁰ (p. 11, [0034], lines 3-6).

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 17, 21, 24-30, 32, 34, 36-38, 40, 44-50 and 53-55 are obvious under 35 U.S.C. § 103 over Allegedly Admitted Related Art (AARA) in view of Ishigaki (U.S. Pat. No. 6,448,927).

Whether claims 18-20, 31, 33, 39, 41-43 and 51-52 are obvious under 35 U.S.C. § 103 over AARA, Ishigaki and "what is well known in the art."

Whether claims 22-23 are obvious under 35 U.S.C. § 103 over AARA, Ishigaki and "Sporty's JD-200 Transceiver Operator's Manual" (hereinafter Sporty's).

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VII. ARGUMENT**A. AARA and Ishigaki are Not Properly Combinable**

Appellants respectfully submit that AARA and Ishigaki are not properly combined.

1. Considering AARA with Ishigaki Improperly Changes the Principle of Operation of AARA

The Manual of Patent Examining Procedures (MPEP) provides the following guidance:

THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims *prima facie* obvious.⁹¹

AARA is directed to a computer system which performs searches for Internet access **when the computer system is powered-on**. Ishigaki is directed to a device that periodically determines **its location** by way of a periodically powered position measuring means. Utilizing a periodically powered sub-system (as allegedly taught by Ishigaki) with AARA changes the principle of operation of AARA of performing Internet searches **while the computer system is powered-on**. If, on the other hand, Ishigaki's position measuring means is operated in a similar manner to the wireless communication device of AARA (continuously powered within a powered-on system), then the entire principle of operation of Ishigaki is improperly changed.

⁹¹ MPEP 8th Ed. Rev. 3, Aug. 2005, § 2143.01, pp 2100-138.

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**2. Considering AARA with Ishigaki Renders AARA
Unsatisfactory for Its Intended Purpose**

The MPEP also provides the following guidance:

**THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR
ART UNSATISFACTORY FOR ITS INTENDED PURPOSE**

If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. ...⁹²

If the operational mode of Ishigaki (periodically powering just for testing) is incorporated with wireless communication device of AARA, then the computer system discussed in AARA would be unsatisfactory for its intended purpose because the AARA computer system would not be continuously coupled to the network.

For these reasons alone, the rejections should be overturned and the claims set for issue.

B. Section 103 Rejections over AARA and Ishigaki

**1. Claims 17, 21, 24, 26-30, 32, 36-37, 40, 44-45, 47, 49-50
and 53-55**

Claims 17, 21, 24, 26-30, 32, 36-37, 40, 44-45, 47, 49-50 and 53-55 stand rejected as allegedly obvious over AARA and Ishigaki. Claim 17 is representative of this grouping of claims. The grouping should not be construed to mean the patentability of any of the claims may be determined in later actions (e.g., actions before a court) based on the groupings. Rather, the presumption of 35 U.S.C. § 282 shall apply to each of these claims individually.

Ishigaki is directed to a position information system.⁹³ In particular, Ishigaki discloses a system where a position measuring means (such as a GPS receiver) and a communication means (such as a cellular telephone) are combined in an apparatus, and where the time that the position measuring means

⁹² MPEP 8th Ed. Rev. 3, Aug. 2005, § 2143.01, pp 2100-137.

⁹³ Ishigaki Title.

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is in operation is shortened to reduce power consumption.⁹⁴ In some embodiments of Ishigaki the GPS receiver is powered only when buttons are pressed on the cellular telephone.⁹⁵ Regardless of how the GPS receiver is triggered, however, the remaining portions of the Ishigaki system appear to be powered-on and operational as the communications means retains the current position from the GPS receiver, and reports the position determined by the GPS receiver either immediately or upon receipt of a message from an external device.

The communications means 3 retains the current position. **When access is made to the communications means 3 from the outside, the communications means 3 sends the current position** to the outside by way of the communications antenna 3a. **Alternatively, upon receipt of the current position from the control section 2, the communications means 3 automatically dials a predetermined number, to thereby transmit the current position to the outside.**⁹⁶

If the communication means of Ishigaki were not powered-on: the position measuring means could not deliver the current position to the communication means; the communication means would be unable to retain the current position; the communication means would be unable to send the current position; and the communication means would be unable to sense the outside access.

Representative claim 17, by contrast, specifically recites, "a radio module that scans for available wireless access points which support two-way data communications... wherein the radio module scans for available wireless access points, and indicates the availability... both while the computer system is powered off." Appellants respectfully submit that AARA and Ishigaki do not teach or suggest such a system. With respect to the alleged teaching of Appellants' Background section, Appellants specifically recite:

⁹⁴ Ishigaki Abstract.

⁹⁵ Ishigaki Col. 4, lines 23-29; Figures 1 and 5.

⁹⁶ Ishigaki Col. 4, lines 15-22 (emphasis added).

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[I]n the prior art, scanning for available wireless access points requires the notebook computer to be powered-on and fully operational.⁹⁷

Clearly AARA does not teach a radio module with the recited capabilities. Ishigaki's GPS receiver appears to be periodically powered; however, the remaining portions of the Ishigaki system also appear to be powered-on as discussed above. Thus, even if hypothetically AARA and Ishigaki are considered together (which Appellants do not admit is proper), the references still fail to teach "wherein the radio module **scans for available wireless access points...while the computer system is powered off.**" Moreover, the references fail to teach "a radio module that ... **Indicates the availability...** while the computer system is powered off." To the extent Ishigaki's sending coordinates is an indication (which Appellants do not admit), **the sending is not "while the computer system is powered off."** In fact, Ishigaki's system **must be powered** on to send the coordinates. Moreover, Ishigaki's sending coordinates is only an indication of location, not necessarily availability.

Based on the foregoing, Appellants respectfully submit that the rejections of the claims in this first grouping be reversed, and the claims set for issue.

2. Claims 25, 34, 38, 46 and 48

Claims 25, 34, 38, 46 and 48 stand rejected as allegedly obvious over AARA and Ishigaki. Claim 25 is representative of this grouping of claims. The grouping should not be construed to mean the patentability of any of the claims may be determined in later actions (e.g., actions before a court) based on the groupings. Rather, the presumption of 35 U.S.C. § 282 shall apply to each of these claims individually.

Claim 25 specifically recites, "The computer system as defined in claim 24 wherein the seek logic further comprises: a power supply enabled input signal, wherein the power supply enabled input signal is asserted to indicate that the notebook computer is powered-on..." As for the power supply enabled input

⁹⁷ (p. 2, [0007], lines 1-2).

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signal, the Office action of July 14, 2006 relies on "Col. 4, lines 5-15," and in particular the position data forwarded to the communication means.⁹⁸ The cited location is reproduced immediately below for convenience of the discussion.

When the position-measuring request button 3b provided on the communications means 3 is pressed, the communications means 3 sends a position-measuring request to the control section 2, and the control section 2 turns on power to the position-measuring means 1. In accordance with a signal received by the antenna 1a, the position-measuring means 1 tracks three satellites or four or more satellites, thus performing position-measuring computation. The control section 2 sends the thus-computed current position to the communications means 3, thereby turning off power to the position-measuring means 1.⁹⁹

Appellants respectfully traverse the assertion that the position data from Ishigaki's position measuring means 1 together with AARA would teach, suggest or even imply a signal that speaks to the powered condition of the notebook computer. To the extent a signal could be gleaned from the presence of position data, the signal is that Ishigaki's control section 2 has powered **the position measuring means 1**, but such a signal says **nothing** as to the powered state of the remaining components of Ishigaki such as the communication means 7. Thus, AARA and Ishigaki fail to teach or suggest a "power supply enabled input signal is asserted to indicate that the notebook computer is powered-on." For this reason alone the rejections should be overturned and the claims set for issue.

Moreover, representative claim 25 further recites, "The computer system as defined in claim 24 wherein the seek logic ... is further configured to refrain from commanding the radio module to perform a scan for available wireless access points if the power supply enabled input signal is asserted." Even if hypothetically Ishigaki's position data is considered to be the power supply enable signal as asserted by the Office action (which Appellants do not admit), AARA and Ishigaki still fail to teach the claim limitation because Ishigaki fails to teach any refraining based on the position data. The Office action cites Ishigaki Col. 4,

⁹⁸ Office action of July 14, 2006, paragraph spanning pages 4 and 5.

⁹⁹ Ishigaki, Col. 4, lines 4-14.

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lines 10-25, and states the "GPS tracking is turned off after position is obtained, and position data forwarding signal means to communication means 3."¹⁰⁰ However, turning off the GPS tracking after a position is obtained fails to teach or suggest "refrain[ing] from commanding the radio module to perform a scan for available wireless access points if the power supply enabled input signal is asserted."

Based on the foregoing, Appellants respectfully submit that the rejections of the claims in this grouping be reversed, and the grouping set for issue.

C. Section 103 Rejections over AARA, Ishigaki and "what is well known in the art"

Claims 18-20, 31, 33, 39, 41-43 and 51-52 stand rejected as allegedly obvious over AARA, Ishigaki and "what is well known in the art." For the same reasons as discussed in Section VII(B)(1), the rejections of these claims should be reversed, and the claims set for issue. Moreover, the Examiner has not provided sufficient documentation to prove an expert status regarding what is allegedly well known. Alternatively, if the teachings are so well known it would seem finding references to that effect would be simply.

D. Section 103 Rejections over AARA, Ishigaki and Sporty's

1. Claims 22 and 23

Claims 22 and 23 stand rejected as allegedly obvious over AARA, Ishigaki and Sporty. Claim 22 is representative of this grouping of claims. The grouping should not be construed to mean the patentability of any of the claims may be determined in later actions (e.g., actions before a court) based on the groupings. Rather, the presumption of 35 U.S.C. § 282 shall apply to each of these claims individually.

The Sporty reference teaches, "To automatically search the entire COMM frequency range for a broadcasting signal, the Up Key or Down Key **may be pressed and held for one second**. ... The Search may be cancelled at any time by pressing the Clear Key." (Sporty p. 2, 3rd and 6th full paragraphs). Thus,

¹⁰⁰ Office action of July 14, 2006, first full paragraph of page 5.

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holding the key for one second instigates a search that extends well beyond the one second press- and hold-time.

Representative claim 22, by contrast, specifically recites, "wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch, the command only when the computer system is powered-off, and the command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller." Even if the teachings of AARA and Ishigaki are precisely as the Office action suggests (which Appellants do not admit is proper), the references still fail to teach all the limitations of representative claim 22. In particular, in Sporty a button is pressed and held **for one second** to initiate a Search. The Search clearly extends well beyond the one second period, as the reference provides for pressing the Clear Key to stop the search. Thus, any command to a power supply in Sporty is not for "the same amount of time that the electrical switch is activated"; rather, the command clearly extends, and is intended to extend, well beyond the actuation time.

Based on the foregoing, Appellants respectfully submit that the rejections of the claims in this grouping be reversed, and the grouping set for issue.

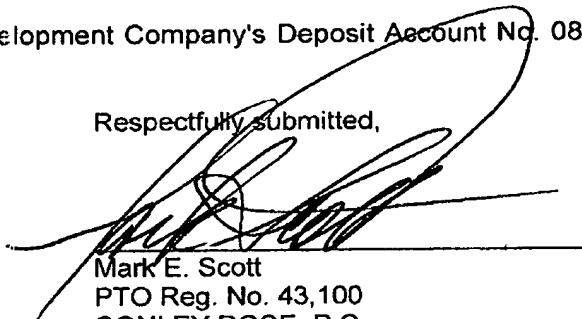
VIII. CONCLUSION

For the reasons stated above, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be

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charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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IX. CLAIMS APPENDIX

1.-16. (Cancelled).

17. (Previously presented) A computer system comprising:
a main system processor;
a system main memory coupled to the processor;
a radio module that scans for available wireless access points which support two-way data communications;
a power supply coupled to the radio module and the main system processor;
an electrical switch mounted on an external surface of the computer system; and
a seek logic coupled to the electrical switch and the power supply;
wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch; and
wherein the radio module scans for available wireless access points, and indicates the availability of a wireless access point, both while the computer system is powered-off.

18. (Previously presented) The computer system as defined in claim 17 wherein the radio module further comprises:

a media access controller coupled to a Universal Serial Bus (USB) of the computer system, the media access controller having a digital input signal coupled to the seek logic, and wherein the media access controller scans for available wireless access points responsive to assertion of the digital input signal by the seek logic;
a plurality of radio circuits that convert wireless communication from the computer system to radio frequency signals; and
a signaling unit coupled to the media access controller that indicates the availability of a wireless access point.

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19. (Original) The computer system as defined in claim 18 wherein the signaling unit further comprises a light emitting diode (LED) coupled to the media access controller, and wherein the media access controller lights the LED if a wireless access point is available.

20. (Original) The computer system as defined in claim 18 wherein the signaling unit further comprises a display device capable of scrolling text messages, and wherein the media access controller places text messages on the display device indicating the availability of a wireless access point.

21. (Previously presented) The computer system as defined in claim 17 wherein the electrical switch further comprises a momentary push button switch mounted on an outer surface of a video display of the computer system.

22. (Previously presented) A computer system comprising:
a processor;
a main memory array coupled to the processor;
a radio module that scans for available wireless access points;
a power supply coupled to the radio module and the processor;
an electrical switch mounted on an external surface of the computer system; and
a seek logic coupled to the electrical switch and the power supply;
wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch, the command only when the computer system is powered-off, and the command for the same amount of time that the electrical switch is activated, thus requiring the user to hold electrical switch in the actuated position during a seek period of the media access controller; and

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wherein the radio module scans for available wireless access points, and indicates the availability of a wireless access point, both while the computer system is powered-off.

23. (Previously presented) The computer system as defined in claim 22 wherein the seek logic further comprises:

a power supply enabled input signal, wherein the power supply enabled input signal is asserted to indicate that the notebook computer is powered-on; and

wherein the seek logic is further configured to refrain from commanding the radio module to perform a scan for available wireless access points if the power supply enabled input signal is asserted.

24. (Previously presented) The computer system as defined in claim 17 wherein, responsive to a momentary actuation of the electrical switch, the seek logic is configured to command the power supply to power the radio module for a sufficient amount of time to allow the radio module to perform a wireless access seek function, and wherein the seek logic commands the radio module to perform a scan for available wireless access points responsive to the momentary actuation of the electrical switch.

25. (Previously presented) The computer system as defined in claim 24 wherein the seek logic further comprises:

a power supply enabled input signal, wherein the power supply enabled input signal is asserted to indicate that the notebook computer is powered-on; and

wherein the seek logic is further configured to refrain from commanding the radio module to perform a scan for available wireless access points if the power supply enabled input signal is asserted.

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26. (Previously presented) A method of finding wireless access points with a computing device, the method comprising:

requesting a wireless access seek with the computing device powered-off;
scanning for available wireless access points which support two-way data communication, the scanning with a wireless communication module of the portable computing device while remaining portions of the computing device are powered-off; and
indicating the availability of wireless access points while the remaining portions of the computing device are powered-off.

27. (Original) The method as defined in claim 26 wherein requesting a wireless access seek further comprises actuating a momentary push-button.

28. (Original) The method as defined in claim 27 wherein actuating a momentary push-button further comprises pushing a button mounted on an outer surface of the computing device.

29. (Previously presented) The method as defined in claim 26 wherein requesting a wireless access seek further comprises:

enabling substantially only a power supply that supplies power to the wireless communication module; and
asserting a seek request signal to the wireless communication module.

30. (Previously presented) The method as defined in claim 26 wherein scanning for available wireless access points further comprises executing software in a microcontroller of the wireless communication module, and wherein the software controls various radio components in the wireless communication module.

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31. (Original) The method as defined in claim 26 wherein informing the user of the availability of wireless seek access points further comprises lighting a light emitting diode.

32. (Previously presented) A computer comprising:
a main system processor;
a main memory array coupled to the processor;
a seek request button mounted on an outer surface of the computer;
a seek logic coupled to the seek request button;
a first power supply coupled to the seek logic, and wherein the seek logic enables substantially only the first power supply responsive to assertion of the seek request button;
a wireless communication module coupled to the seek logic and the first power supply, wherein the first power supply powers the wireless communication module, and wherein the seek logic enables the wireless communication module to perform seeking for wireless access points for network data communications, the seeking responsive to assertion of the seek request button; and
a notification device coupled to the wireless communication module, wherein the notification device indicates the unavailability of a wireless access point.

33. (Original) The computer as defined in claim 32 wherein the notification device further comprises a light emitting diode.

34. (Previously presented) The computer as defined in claim 32 wherein the seek logic refrains from enabling the wireless communication module to perform seeking for wireless access clients if the computer is powered-on.

35. (Cancelled).

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36. (Previously presented) A computer system comprising:
a means for executing programs and instructions;
a means for storing programs and data coupled to the means for executing;
a means for activating a seek for a wireless access point mounted on an outer surface of the computer;
a means for wireless network access which supports two-way data communications;
a first means for powering the means for wireless network access and the means for executing
a means for controlling the means for wireless network access coupled to the means for wireless network access, the means for activating, and the means for powering;
wherein the first means for powering powers substantially only the means for wireless network access, and wherein the means for controlling enables the means for wireless network access to perform a seek for wireless access points responsive to assertion means for activating; and
a means for notification of the unavailability of a wireless access point coupled to the means for wireless communication.

37. (Original) The computer system as defined in claim 36 wherein the means for activating a seek request for a wireless access client further comprises an electrical switch mounted on an outer surface of the computer system.

38. (Previously presented) The computer system as defined in claim 36 wherein the means for controlling refrains from enabling the means for wireless network access to perform seeking for wireless access points if the computer system is powered-on.

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39. (Previously presented) The computer system as defined in claim 36 wherein the means for notification further comprises a light emitting diode (LED), and wherein the means for wireless network communication lights the LED to indicate the availability of a wireless access point.

40. (Previously Presented) A structure of a handheld device comprising:
a seek request button mounted on an outer surface of the device;
a wireless communication module coupled to the seek request button, and
wherein the wireless communication module seeks for availability of a wireless connection to the Internet for a computer, the seeking responsive to assertion of the seek request button;
a system battery coupled to the wireless communication module, and
wherein the system battery supplies power to the wireless communication module during seeks for wireless access points;
and
a notification device coupled to the wireless communication module, wherein the notification device indicates the availability of a wireless access point.

41. (Original) The handheld device as defined in claim 40 wherein the notification device further comprises a light emitting diode (LED).

42. (Original) The handheld device as defined in claim 41 wherein the notification device further comprises a plurality of LEDs arranged in such a way as to indicate one of the availability and non-availability of wireless access.

43. (Original) The handheld device as defined in claim 40 wherein the notification device further comprises a display device for displaying text messages indicative of the availability of wireless access.

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44. (Original) The handheld device as defined in claim 40 wherein the wireless communication module further comprises:

- a microcontroller coupled to the seek request button and the system battery, and wherein the microcontroller is programmed to perform wireless access seeks responsive to assertion of the seek request button;

- a plurality of radio circuits coupled to the microcontroller adapted to facilitate the microcontroller's wireless access seeks.

45. (Previously presented) A system comprising:

- a mobile computing system in a powered-off state;

- a wireless communication module which supports two-way data communication, the wireless communication module coupled to the mobile computing system; and

- a seek enable button mounted on an exterior surface of one of the mobile computing system or the wireless communication module;

wherein the wireless communication module, when commanded by a user actuating the seek enable button and while the mobile computing system is powered-off, scans for availability of wireless access to a network; and

wherein the wireless communication module informs the user of availability of wireless access while the mobile computing system is powered-off.

46. (Previously presented) The system as defined in claim 45 further comprising:

- a power supply coupled within the mobile computing system;

wherein the power supply responsive to actuating of the seek enable button by the user, supplies power to the wireless communication module, and refrains from powering the mobile computing system such that the mobile computing system remains powered-off.

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47. (Previously presented) The system as defined in claim 46 further comprising:

a seek logic coupled between the seek enable button and the power supply, the seek logic also coupled between the seek enable button and the wireless communication module;

wherein the seek logic, responsive to assertion of the seek enable button, commands the power supply to supply power to the wireless communication module, and wherein the seek logic, responsive to assertion of the seek enable button, commands the wireless communication module to scan for availability of wireless access to a network.

48. (Previously presented) The system as defined in claim 47 wherein the seek logic refrains from commanding the power supply and wireless communication module if the mobile computing system is powered-on.

49. (Previously presented) A method comprising:

accepting a command from a user of a powered-off mobile computing device to perform a search for wireless network availability; and thereafter

performing a search for wireless network availability which supports two-way data communications, the performing by a wireless communication module of the mobile computing device, and the performing while the mobile computing device is powered-off; and informing the user of an outcome of the performing, the informing while the mobile computing device is powered-off.

50. (Previously presented) The method as defined in claim 49 wherein accepting further comprises sensing the actuation of a seek enable button on an exterior surface of one of the mobile computing device or the wireless communication module.

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51. (Previously presented) The method as defined in claim 49 wherein informing further comprises lighting a light emitting diode.

52. (Previously presented) The method as defined in claim 49 wherein informing further comprises scrolling a message across a liquid crystal display.

53. (Previously presented) The computer system as defined in claim 17 wherein the radio module indicates the unavailability of a wireless access point while the computer system is powered-off.

54. (Previously presented) A computer system comprising:
a radio module that scans for available wireless access points that support two-way data communications;
a power supply coupled to the radio module;
an electrical switch mounted on an external surface of the computer system; and
a seek logic coupled to the electrical switch and the power supply;
wherein the seek logic commands the power supply to power the radio module responsive to the actuation of the electrical switch; and
wherein the radio module scans for available wireless access points, and indicates the availability of a wireless access point, both before an operating system of the computer system is booted.

55. (Previously presented) The computer system as defined in claim 54 wherein the radio module indicates the unavailability of a wireless access point before the operating system of the computer system is booted.

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X. EVIDENCE APPENDIX

None.

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XI. RELATED PROCEEDINGS: APPENDIX

None.